



WEB COPY

A No. 499 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 499 of 2024

AND

CS NO. 53 OF 2009

1. Y.Nageswara Reddy
S/O.SRI.V.CHANDRASEKAR
REDDY, REP. BY UTS POWER OF
ATTORNEY HOLDER MR.
YDEEULA SOMA SEKHARA
REDDY. 38, BHARATHI STREET,
GANDHI NAGAR, SALIGRAMAM,
CHENNAI - 3. (Amended as per order
dated 04.01.2024 in A.No. 6869/23)

Applicant(s)

Vs

1. Dr.Pitchai Harivasagam
And 5 Others S/o.Pitchair Chettiar, 46,
(old No.49) Thirumalai Pillai Road,
T.Nagar, Chennai - 17.

2.Sri.Harivasagam Charitable
Trust Rep. By Its Managing Trustee,
Dr.Pitchai Harivasagam, No.46, (old
No.49), Thirumalai Pillai Road,
T.Nagar, Chennai- 17.

3.Sri.V.K.K.Charities, Rep. By



Its Managing Trustee, Dr.Pitchai
Harivasagam, No.46, (old No.49),
Thirumalai Pillai Road, T.Nagar,
Chennai - 17.

4.Mr.K.Elango
S/o.Kumaravel, No.23, M.G.Nagar,
Poonamallee, Chennai - 56.

5.Mr.T.K.S.Pugalendhi
S/o.T.K.Sivakumaran, No.27, Raja
Agraharam Street, Poonamallee
Village, Chennai - 56.

6.Mr.K.R.Jaganathan
No.4, Krishna Street, T.Nagar,
Chennai - 17.

7.R.Paramanantham
NO.19, KOLLAI ST, KUNDRATHUR,
CH-69. (D7-impleaded as per
ord.dt.19/06/17, A.1983/17)

Respondent(s)

PRAYER

To allow the petition and permit the Applicant to make amendment as mentioned below on the above Civil Suit pending on the file of this Honble Court.

For Applicant(s): M/s.M.S.RISHI

For Respondent(s): Mr N. Ramakrishnan For M/s
Ark Law Chamber For D4 and
D5 Mr Kaushik N Sharma For
Kns Law Chambers For R1 To
R3



ORDER

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2. It is submitted by the learned counsel for the appellant that he has filed the suit when the un-amended Specific Relief Act was in force and hence, he is entitled to maintain the suit for all the reliefs of specific performance and alternate relief of refund of the advance money and the relief for compensation.

3. The relief sought by the plaintiff has been objected by the respondent/defendant saying that the plaintiff cannot raise such new relief after having waited for nearly 16 years. He has further submitted that the claim for compensation would also have expired under the Law of limitation.

4. The one and only reason attributed in the affidavit submitted along with the application is that the plaintiff has inadvertently omitted to seek the relief of compensation and hence, he wanted to include that relief also. It appears from the plaint that the applicant/plaintiff has sought the relief of specific performance along with the alternative relief of refund of advance



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money along with interest. So the way in which the relief has been sought at the time when the plaint was filed itself would show that the plaintiff has applied his mind to seek alternative relief as well along with the main relief of specific performance.

5. After having been satisfied with the reliefs sought in the plaint, now as an afterthought, after 16 years, the applicant/plaintiff has come out with the application to amend the plaint to include the relief for compensation also. Though the parties are at liberty to amend the pleadings at any time of the proceedings, the relief cannot be extended limitlessly irrespective of the hardship that might be caused to the respondents and the time devoted by the Court in deciding the suit. Though the trial has not been commenced yet, the pleadings are completed and now the suit is ready for trial.

6. It is to be noted further that the plaintiff had the cause of action even at the time when the suit was filed. His inaction would expire the period of limitation for seeking the relief of compensation also. Even according to the learned counsel for the appellant, if the amendment takes place, it relates back to the date on which the suit has been filed. As the cause of action for the relief



of compensation has arisen even prior to the filing of the suit and the relief now sought is not consequential but only alternate, limitation has to be calculated only from the date of cause of action and out from the date of the suit. Hence the relief of compensation ought to have been prayed within three years from when the cause of action arose for filing the suit.

7. As this application has been filed as an afterthought and the plaintiff is very clear about the relief that needs to be claimed at the time when he filed the plaint the amendment now sought for cannot be allowed for the reasons now stated.

In the result, the application stands **dismissed**. No costs.

16-09-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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R.N.MANJULA J.

jrs

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